

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED

WARREN DURHAM JR.,
Plaintiff
V.
JAMES D. WASHBURN,
ET AL. Defendants.

C.A. NO. 02-82 ERIE
06 FEB 13 P 1:08
CLERK
U.S. DISTRICT COURT

NOTICE OF APPEAL

COMES NOW, Warren Durham Jr., moving pro se, and pursuant to Federal Rules of Appellate Procedure, Rule 3 and 4, gives Notice of his intent to appeal to the United States Court of Appeals for the Third Circuit. On February 2, 2006 the Plaintiff received from the United States District Court an Order dated January 19, 2006, adopting the Report and Recommendation of United States Magistrate Judge Susan Paradise Baxter as the Opinion of the Court.

Grounds for appeal exist in that Plaintiff's constitutional rights were violated when Defendants seized Plaintiff's car from his home, towed it to the City Hall parking lot and illegally searched the interior and trunk areas of the vehicle. On January 26, 1996, Plaintiff's car was subsequently removed by Defendants to Defendant West End Auto Body, Inc. where Defendants conducted further illegal searches and seized Plaintiff's property, then reportedly destroyed said car in a crushing machine. Defendants further conspired and violated various provisions of RICO, 18 U.S.C. sec. 1961-1968.

WHEREFORE, it is respectfully requested that Plaintiff's appeal shall proceed.

Respectfully submitted,

Warren Durham Jr.
WARREN DURHAM JR.

AFFIDAVIT

COMES NOW, the Affiant undersigned, Warren Durham Jr., and affirm that he is the Plaintiff in the above captioned matter, and avers the above are true and correct subject to Title 18, Section 1621 U.S.C.


WARREN DURHAM JR.
AFFIANT

DATED: 1/9/06

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA


WARREN DURHAM JR.,)	C.A. NO. 02-82 ERIE
Plaintiff)	
V.)	
)	
JAMES D. WASHBURN,)	
ET AL.)	
Defendants.)	

CERTIFICATE OF SERVICE

I, Warren Durham Jr., hereby certify that a true and correct copy of the foregoing "Notice of Appeal" shall be served upon the persons named below by mailing same FIRST CLASS, postage prepaid, U.S. Mail, to:

David G. Ridge, Esq.
246 West Tenth Street
Erie, Pa. 16501

Gerald J. Villella, Esq.
626 State Street
Erie, Pa. 16501


WARREN DURHAM JR.
12119 MATHERSON AVE.
CLEVELAND, OH. 44135

DATED: 1/9/06